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Date: July 6, 2009

0-05-037 (17551/US/04)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Sonnenschein
Serial no.: 10/526,845
Filing Date: April 27, 2007
I.A. Filing Date: February 15, 2005
Submitted: March 3, 2005
Title: A STAPLING DEVICE
Examiner: Lindsay Low
Art Unit: 3721
Confirmation: 9356

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

After-Final Response and Amendment

This response is in reply to the final office action mailed on May 12, 2009.

Amendments to the claims: Attached is an amended claim set. Support for the amendments to claim 1 can be found in the middle paragraph on page 15 of the PCT publication and in Fig. 4.

Claim Rejections – 35 USC § 103(a): The examiner rejected claims 1, 2, 6, 7, 9, and 10 as being unpatentable over Sonnenschein (2001/0056282) in view of Jankowski (2004/0004105). Applicant respectfully requests reconsideration for numerous reasons and some of those reasons are identified below:

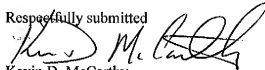
(a) The amendments to claim one comprise limitations to specific and unique structural features of the cartridge surface that are neither found nor contemplated in the teachings of either of the cited prior art references either taken singly or in combination.

(b) The amendments to the claims have placed limitations on the scope of the interpretation that can be given to the claim. Specifically, since the bottoms of the bores do not have “a length a little longer than the width of the face of said anvil” and there are no “sloping walls” connecting the upper level to the bottoms of the bores. The Examiner may continue to argue that the bottoms of the bores described in Sonnenschein (2001/0056282) can be understood to mean that this publication teaches a cartridge having two levels; however in view of the amendments to the claim, there is no longer any basis for interpreting claim 1 in such a way that the combination of the cartridge surface and bottoms of the bores described in Sonnenschein (2001/0056282) anticipate the upper and the lower levels of the surface of the cartridge that is defined in claim 1.

(c) Claim 1 as amended is inventive, therefore, since all of the other pending claims are dependent on claim 1, they also are inventive over the cited prior art.

It is respectfully submitted that the claims and application are in condition for allowance and it is earnestly solicited that such allowance be granted.

Respectfully submitted

A handwritten signature in dark ink, appearing to read 'Kevin D. McCarthy', is written over the typed name.

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